

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

TYSON J. HORNER,

Defendant.

CASE NO: 2:22-CR-0060-TOR

ORDER GRANTING MOTION TO
CONTINUE PRETRIAL AND TRIAL
DATES

BEFORE THE COURT is Defendant's Unopposed Motion to Continue
Pretrial and Trial Dates. ECF No. 28. The motion was submitted for hearing
without oral argument. The Court has reviewed the record and the files herein and
is fully informed.

Defendant is currently scheduled to appear before the Court on December 1,
2022, for a pretrial conference and a jury trial is scheduled to begin on December
12, 2022. He now moves, unopposed by the government, to continue the trial and
related pretrial hearing and deadlines for approximately 60 days. In support of his
motion Defendant explains he is currently in an in-patient drug treatment program

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1 and therefore unavailable to meet with counsel to review discovery and prepare for
2 trial. He is scheduled to complete treatment at the end of December 2022.

3 Moreover, he is awaiting additional discovery and records relating to his criminal
4 history which will inform his case strategy decisions. He has waived his right to a
5 speedy trial. ECF No. 29. The Court finds that the Defendant requires additional
6 time to investigate and prepare for trial, taking into account the exercise of due
7 diligence, and that his interests would not be adequately represented without a
8 continuance. Accordingly, the motion is granted.

9 IT IS HEREBY ORDERED:

10 1. The Motion to Continue Pretrial and Trial Dates (ECF No. 28) is
11 **GRANTED.**

12 2. The pretrial conference currently scheduled for December 1, 2022, is
13 vacated and continued to **February 1, 2023, at 8:30 a.m.**, in Spokane Courtroom
14 902. All pre-trial motions, including motions *in limine* and *Daubert* motions, shall
15 be filed and served on or before **January 11, 2023**, and noted for hearing at the
16 pretrial conference. Any response to a pre-trial motion shall be filed and served in
17 accordance with Local Rule 7. If the Court determines an evidentiary hearing is
18 appropriate, the Court will notify the parties of the date and time for such hearing.

19 3. The jury trial currently scheduled for December 12, 2022, is vacated
20 and continued to **February 13, 2023, at 8:30 a.m.**, in Spokane Courtroom 902.

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Counsel shall appear in court at 8:30 a.m. on the first day of trial to address any pending pretrial issues. Jury selection will begin promptly at 9:00 a.m. Trial briefs, proposed voir dire, jury instructions, verdict forms, exhibit lists, and expert witness lists shall be filed and served by all parties on or before **seven (7) calendar days** prior to trial.

4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between November 17, 2022, until February 13, 2023, is DECLARED EXCLUDABLE for purposes of computing time under the Speedy Trial Act. The Court finds that the ends of justice served by such a continuance outweigh the interests of the public and Defendant in a speedy trial.

5. Counsel for the defense shall notify the Defendant and ensure his attendance at every scheduled hearing and trial.

IT IS SO ORDERED. The District Court Executive is directed to enter this order and provide copies to counsel, the United States Probation Office, and the United States Marshal's Service.

DATED November 18, 2022.



Thomas O. Rice
THOMAS O. RICE
United States District Judge